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6 Attorneys for Defendants
7 CAPITAL BENEFIT, INC., MARCEL BRUETSCH,
ROBERT V. WILLIAMS, TRUSTEE OF THE
8 WILLIAMS FAMILY TRUST DATED SEPTEMBER 17, 1999,
WALTRAUD M. WILLIAMS, TRUSTEE OF THE WILLIAMS
9 FAMILY TRUST DATED SEPTEMBER 17, 1999
and RICHARD WESTIN

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 REGINALD and RHONDA
14 DRAKEFORD, husband and wife,

15 Plaintiffs,

16 vs.

17 CAPITAL BENEFIT, INC., a California
company; MARCEL BRUETSCH, an
individual; ROBERT V. and
18 WALTRAUD M. WILLIAMS,
individually and as Trustees of the
19 Williams Family Trust; RICHARD
WESTIN, an individual, DOES 1 to 10,
20 inclusive,

21 Defendants.

22
23 **AND COUNTERCLAIM**
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CASE NO. 20-cv-04161-WHO
Honorable Judge William H. Orrick

**DEFENDANTS' SUPPLEMENTAL
SPECIAL JURY INSTRUCTION
NO. 28**

Trial Date: March 22, 2022

1 Defendants Capital Benefit, Inc., Marcel Bruetsch, Robert V. Williams,
2 Trustee of the Williams Family Trust Dated September 17, 1999, Waltraud M.
3 Williams, Trustee of the Williams Family Trust Dated September 17, 1999, and
4 Richard Westin (collectively “Defendants”) hereby submit Defendants Special Jury
5 Instruction No. 28 which is attached hereto.

6 Plaintiffs failed to file the attached jury instruction with the Proposed Jury
7 Instructions filed on March 14, 2022 (Dkt. 92).

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10 DATED: March 15, 2022

BUCHALTER
A Professional Corporation

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12 By: /s/ Jason E. Goldstein

13 JASON E. GOLDSTEIN
14 Attorneys for Defendants
15 CAPITAL BENEFIT, INC.; MARCEL
16 BRUETSCH; ROBERT V. WILLIAMS,
17 TRUSTEE OF THE WILLIAMS
18 FAMILY TRUST DATED
19 SEPTEMBER 17, 1999;
20 WALTRAUD M. WILLIAMS,
21 TRUSTEE OF THE WILLIAMS
22 FAMILY TRUST DATED
23 SEPTEMBER 17, 1999; and RICHARD
24 WESTIN
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Defendants' Special Jury Instruction No. 28
Definition of Sole Proprietorship

Investments and Rhonda Drakeford are the same legal entity. Reginald Drakeford does business as Tekdragon Network Solutions, a sole proprietorship. Therefore, Tekdragon Network Solutions and Reginald Drakeford are the same legal entity. A designation that an individual is conducting business under a fictitious business name "indicates he [or she] is a sole proprietor who is doing business under the fictitious business name."

Authority: *Century Surety Co. v. Polisso* (2006) 139 Cal.App.4th 922, 940

Plaintiffs' Objection:

The proposed instruction is irrelevant to any issue in the case and likely to cause jury confusion. The fact that Plaintiffs operate their businesses as sole proprietorships has no bearing on whether the loan was for business versus consumer purposes.

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles , State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER, A Professional Corporation, 1000 Wilshire Boulevard, Suite 1500, Los Angeles, CA 90017 and my email address is emedrano@buchalter.com.

I hereby certify that on March 15, 2022, a true copy of the foregoing document described as:

**DEFENDANTS' SUPPLEMENTAL SPECIAL JURY INSTRUCTION
NO. 28**

was served on all other parties and/or their attorney(s) of record to this action as follows:

Peter B. Fredman
Email: peter@peterfredmanlaw.com
Law Office of Peter Fredman PC
2930 Domingo Ave., Ste 227
Berkeley, CA 94705

*Attorneys for Plaintiffs, Reginald and
Rhonda Drakeford*

Joseph Elford
Email: joeelford@yahoo.com

*Attorney for Plaintiffs, Reginald and
Rhonda Drakeford*

BY ELECTRONIC SERVICE I certify that by electronically filing the document(s) with the Court using CM/ECF system, that all participants in the case are registered as CM/ECF users and that service will be accomplished by the CM/ECF system.

I certify that I am employed in the office of a member of the bar of this court.
Executed on March 15, 2022 at Los Angeles, California.

Ely Medrano
(Name)

/s/ - Ely Medrano
(Signature)